

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
5 DISTRICT OF NEVADA

6 \* \* \*

7 ERIC THOMAS MESI,

8 Plaintiff,

9 v.

10 VANESSA MARIE MESI, *et al.*,

11 Defendants.

Case No. 2:19-cv-2183-KJD-DJA

**ORDER**

12 Before the Court is United States Magistrate Judge Albregts's Report and  
13 Recommendation that plaintiff Thomas Mesi's complaint be dismissed for lack of subject matter  
14 jurisdiction (ECF No. 3). Mesi has filed an opposition to the recommendation (ECF No. 4).  
15 Though the time to do so has passed, none of the defendants have responded to Mesi's  
16 objections. The Court has conducted a de novo review of the Magistrate Judge's findings and  
17 Mesi's objections under 28 U.S.C. § 636(b)(1) and LR IB 3-2. The Court determines that the  
18 Report and Recommendation entered December 27, 2019, should be ADOPTED and  
19 AFFIRMED.

20 Magistrate Judge Albregts correctly found that Mesi's complaint does not adequately  
21 plead facts to support federal question or diversity jurisdiction. R&R at 1–2. Mesi's complaint  
22 boils down to alleged bankruptcy fraud in an unrelated proceeding. Mesi's relationship to a  
23 federal question here is tenuous at best. The mere fact Mesi's allegations relate in some way to  
24 federal bankruptcy law does not automatically vest this Court with jurisdiction. A dispute  
25 demands "a substantial" federal question to warrant a federal forum. See Campbell v. Aerospace  
26 Corp., 123 F.3d 1308, 1315 (9th Cir. 1997). Such a federal issue is not present here.

27 Even if there were a federal question here, Mesi does not have standing to bring claims  
28 for bankruptcy fraud against these defendants. In response to the Magistrate Judge's

1 recommendation, Mesi lists four federal statutes that he believes support federal jurisdiction  
2 here: The Computer Fraud and Abuse Act, The Stored Communications Act, The Electronic  
3 Communications Privacy Act, and The Defend Trade Secrets Act. See P.'s Obj. to R&R 3–4,  
4 ECF No. 4. However, none of those acts allow a private citizen to bring criminal charges against  
5 another private citizen. Mesi admits that his complaint is not a garden-variety civil case, “but a  
6 Federal Indictment.” Id. at 4 (internal quotations and emphases omitted). Mesi lacks standing to  
7 bring bankruptcy fraud charges and has not demonstrated that this Court has jurisdiction over his  
8 claims.

9 Accordingly, IT IS HEREBY ORDERED that the Magistrate Judge’s Report and  
10 Recommendation (ECF No. 3) is **ADOPTED** and **AFFIRMED**;

11 IT IS FURTHER ORDERED that this case is **DISMISSED**. All other motions are  
12 **DENIED as moot**.

13 Dated this 20th day of February, 2020.

14  
15 

16 \_\_\_\_\_  
17 Kent J. Dawson  
18 United States District Judge  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28